

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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PAUL VELLECA,

Plaintiff,

9:20-cv-887 (BKS/DJS)

v.

ROBERT PANGBURN, et al.,

Defendants.

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**Appearances:**

*Plaintiff pro se:*

Paul Velleca  
20-B-0586  
Greene Correctional Facility  
P.O. Box 975  
Coxsackie, NY 12051

*For Defendants:*

Frank W. Miller  
Thomas J. Murphy  
The Law Firm of Frank W. Miller  
6575 Kirkville Road  
East Syracuse, NY 13057

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff Paul Velleca, a New York State inmate proceeding pro se, commenced this civil rights action under 42 U.S.C. § 1983, raising claims arising out of his incarceration at the Delaware County Jail. (Dkt. No. 1). On October 22, 2021, Defendants filed a motion for summary judgment under Fed. R. Civ. P. 56. (Dkt. No. 27). The motion was fully briefed, with a response filed by Plaintiff and a reply filed by Defendants. (Dkt. Nos. 34, 40). This matter was referred to United States Magistrate Judge Daniel J. Stewart who, on June 2, 2022, issued a

Report-Recommendation recommending that Defendants' motion for summary judgment be denied. (Dkt. No. 42). Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 12–13). No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is


**ORDERED** that the Report-Recommendation (Dkt. No. 42) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 27) is **DENIED**; and it is further

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: July 1, 2022  
Syracuse, New York

  
Brenda K. Sannes  
U.S. District Judge